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VIA ECF

January 23, 2019

Hon. Magistrate Judge Sanket J. Bulsara
United States Federal Court
Eastern District New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Anthony Rosado and Flor Velez vs. Andrew Hall and Snapple Distributors
Docket No: 18-cv-1284 (ARS) (SJB)

Dear Hon. Magistrate Judge Bulsara

Please accept this letter as the defendants' Andrew Hall and Snapple Distributors application for an extension of the discovery deadlines.

At the settlement conference held on January 9, 2019, I inquired of your Honor about the discovery deadlines and the extension of those deadlines in the off chance that the case did not settle. As per the docket entry of January 16, 2019, unfortunately the case did not settle. Thereafter counsel for the plaintiff on the counter-claim inquired about the discovery deadlines and advised that he would agree to an extension if plaintiffs' counsel and I agreed. I took the liberty of sending a new discovery schedule to all counsel. Mr. Demirayak readily agreed to the proposals set forth in my e-mail. (A copy of the proposal is attached as an exhibit hereto). Mr. Linder on behalf of the plaintiffs demanded that depositions be conducted in February. I am unable to accommodate that request as I am a sole practitioner and my schedule is booked through the middle of March. Mr. Linder then advised me that I would need to advise the court of my problems and "let the court decide".

Initially we would not be in this predicament, if Counsel would have followed your Honor's court rules and submitted their demand letter to us back in September 2018, the settlement conference could have been held on October 9, 2018 as originally scheduled and if the case did not resolve, we could have completed all discovery in the time frames in the original order of the court. Since a motion was needed to defer that

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settlement conference, the parties did not complete the required discovery in the hopes that the case would settle.

At this time Mr. Demirayak has requested an inspection of the defendants' vehicle, I am working on providing a date and location to all parties. I am also obtaining a copy of the maintenance record for the truck for the 12 months prior to the accident date. I should be able to have all of that completed by the first week of March. We then need to conduct the party depositions. There are no non-party witnesses listed. I can appoint doctors and schedule the physical examinations of the plaintiff to be completed as soon as the depositions of the plaintiff are completed. I would need the plaintiffs' experts and then time to conduct their depositions if we desire and the plaintiffs would need my expert disclosure and time to conduct their depositions if desired.

As a result, I would respectfully request that the attached discovery order be adopted by your Honor so that discovery may move forward and be completed.

Very truly yours,
Richard J. DaVolio
Richard J. DaVolio (RD1037)

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